

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion

(Position as at 7 January 2008)

Subject	Proposed timing for discussion
1. Licensed food premises	
(a) <u>Team Clean's recommendations</u>	
At its meeting on 26 September 2003, the Panel agreed to follow up Team Clean's recommended measures to improve the environmental hygiene of licensed food premises (paragraphs 4.18-4.37 of Team Clean's final report) -	
(i) Open Categorization Scheme;	---
(ii) Revamp of Demerit Points System, announcement of recalcitrant licensees and hygiene-related misconduct of employees; and	---
(iii) Licensing requirements for food factories.	---
On item (a)(ii) above, the Administration briefed the Panel on 14 March 2006 on the proposal to revamp the demerit points system for licensed food premises. The Panel held a special meeting on 6 April 2006 to gauge the views of the food trade on the proposal. The Administration will further discuss with the food business industry on the proposals.	
(b) <u>Suspension of issue of licence to food premises operating without licence</u>	January 2008
At its meeting on 14 December 2004, the Panel was advised that the Administration would consider suspending the issue of a provisional/full licence for a certain period to food premises which were found to have operated without licences upon conviction. When briefed on the proposed measures on 8 March 2005, members expressed various concerns. The Administration was requested to consider members' views and revert to the Panel later.	

The Administration will brief members on its proposal for the introduction of a composite licence for the manufacture and sale of various types of ready-to-eat food items in January 2008.

(c) Enforcement of licensing conditions

January 2008

At the meeting between LegCo Members and Wan Chai District Council (WCDC) on 5 May 2005, WCDC members expressed concern about certain "food factories" selling take-away foods and the lack of enforcement actions by FEHD against these operators. Members attending the meeting agreed that the matter should be referred to the Panel for follow-up.

The Administration will brief members on its proposal for the introduction of a composite licence for the manufacture and sale of various types of ready-to-eat food items in January 2008.

2. Fisheries Protection (Amendment) Bill

4th Quarter 2008
pending the outcome
of the study by the
Committee on
Sustainable Fisheries

The Administration briefed the Panel on 8 March 2005 on the legislative proposal. The Panel held a special meeting on 26 April 2005 to gauge the views of the fishing industry on the proposal. The Administration was requested to further discuss with the industry before introducing the Bill into LegCo.

3. Reorganization plan for the food safety regulatory framework

At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organise the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department to enhance food safety and veterinary public health control in Hong Kong.

The Panel on Food Safety and Environmental Hygiene and Panel on Environmental Affairs have subsequently held four joint meetings on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006 to discuss the revised reorganization proposal and receive views from the relevant trades, experts, academics and

staff of the affected departments. At the meeting on 17 January 2006, members raised no objection to the establishment of the proposed Centre for Food Safety. The Administration agreed to revert to the Panel when a comprehensive plan for the food safety framework was available.

When the Panel discussed with the Administration the report of the work of the Centre for Food Safety at its meeting of 10 July 2007, it was advised that the Administration would review the structure of the two departments after the enactment of new Food Safety Bill. The Panel requested the Administration to revert to the Panel if there was any new development on the issue.

4. Sustainable development of agricultural and fisheries industries ---

Hon WONG Yung-kan has proposed to discuss ways Government can assist in promoting sustainable development of the agricultural and fisheries industries.

(A motion on "Promoting the sustainable development of the local agriculture and fisheries industries", moved by Hon WONG Yung-kan and amended by Hon Tommy CHEUNG, Hon Fred LI and Hon Vincent FANG, was carried at the Council meeting on 13 June 2007.)

5. Regulation and labelling of genetically modified food

2nd Quarter 2008

The Panel discussed the Administration's proposal on 20 March 2003 and invited deputations to give views on 29 April 2003. At the meeting on 20 March 2003, the Panel passed a motion urging the Government to draw reference from the experience of the European Union countries and expeditiously introduce legislation to set up a mandatory genetically modified (GM) food labelling system.

The Administration has agreed to revert to the Panel before introducing the legislative proposal into LegCo.

The Panel discussed the monitoring of the sale of GM food in Hong Kong on 9 May 2006 and the guideline for voluntary labelling of GM food on 13 June 2006. The guidelines came into effect on 28 July 2006. The Administration was requested to review the effectiveness

of the voluntary labelling system for GM food after a period of implementation and revert to the Panel.

6. Overall review of the Public Health and Municipal Services Ordinance (Cap. 132) and the Public Health (Animals and Birds) Ordinance (Cap. 139)

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration has agreed to undertake a study on the regulatory regime of racing pigeon activities in overseas countries/places (including those which had an outbreak of avian influenza) and consider whether a new regulatory regime should be established in Hong Kong in the context of an overall review of the licensing regime under Cap. 139.

The Panel may wish to follow up the above subject matters when the Administration has completed the relevant study/review.

The Administration provided information on its study on the regulatory measures on keeping racing pigeons in other jurisdictions and its review on the existing regulatory regime in Hong Kong, as set out in Annex A to the Administration's paper on "Preparing for the peak season of avian influenza outbreak" for the joint meeting with the Panel on Health Services on 12 December 2006. The Administration considered that the existing regulatory regime could strike a balance between the need to protect public health and environmental hygiene, as well as to accommodate the need of pigeon racing activities in Hong Kong as far as possible.

However, members at the joint-Panel meeting questioned about the absence of reference information on the regulatory regime in the Mainland and Taiwan. In response to members' request, the Administration agreed to provide a more detailed information paper on the regulatory control measures on racing pigeons in other places including the Mainland and Taiwan.

7. Public markets and cooked food centres

(a) Markets and cooked food centres

1st Quarter 2008

At the meeting on 15 July 2002, Panel members

suggested that the Administration should conduct an overall review of the design and operation of wet public markets in order to improve their environment and hygiene conditions.

The Public Accounts Committee discussed the Director of Audit's report No. 41 on public markets managed by the Food and Environmental Hygiene Department (FEHD) in 2004. The Administration responded that the then Health, Welfare and Food Bureau was discussing with the Planning Department the need to review the current planning standards for the provision of market facilities as set down in the Hong Kong Planning Standards and Guidelines. In addition, FEHD was conducting a study to identify markets with serious and insurmountable viability problems that might merit closure/consolidation.

At the meeting between LegCo Members and WCDC on 5 May 2005 and 30 March 2006, WCDC members considered that FEHD should review the design and operation of public markets with a view to improving their competitiveness. Some WCDC members suggested that FEHD should review the consideration factors for issuing fresh provision shop licences. Members attending the meetings agreed that the matter should be referred to the Panel for follow-up.

(b) Demerit Points System ---

The Administration proposed to discuss with the Panel the outcome of consultation with Market Management Consultative Committees on the proposed Demerit Points System for markets managed by FEHD (paragraphs 4.1-4.17 of Team Clean's final report).

8. Alignment of fees and charges under the purview of the Food and Environmental Hygiene Department (FEHD) and public market rental adjustment mechanisms

2nd Quarter 2008

Following the dissolution of the former Provisional Municipal Councils in 2000, the Administration planned to align the fees and charges of the former Provisional

Urban Council and Provisional Regional Council.

On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges as well as the public market rental adjustment mechanisms.

The Administration has subsequently advised the Panel that according to section 9 of the Provision of Municipal Services (Re-organization) Ordinance (Cap. 552), FEHD fees/charges would remain unchanged until the then Secretary for Health, Welfare and Food made a regulation to amend them.

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration has agreed to review the fees for application/ renewal for an exhibition licence for animals and birds in the context of the general review of Government's fees and charges. The Administration will report the outcome to the Panel.

9. Liquor licensing policy and legislation

1st Quarter 2008

At the meeting held between LegCo Members and Yau Tsim Mong District Council (YTMDC) members on 13 February 2003, it was considered that the Administration should conduct a comprehensive review of the existing liquor licensing policy and legislation. YTMDC members suggested that the Administration should restrict the number and the business hours of bars operating in the vicinity of residential areas.

The Subcommittee to Study the Streamlining of Food Business Licensing discussed the liquor licensing procedure at the meeting on 17 May 2005.

At the meeting held between LegCo Members and WCDC members on 30 March 2006, WCDC members expressed concerns about the environmental nuisance and safety problems caused by proliferation of bars in the district. WCDC members suggested that there should be tightened control over the granting of liquor licences to prevent proliferation of bars in multi-storey buildings. The existing policy and legislation on liquor licensing should be reviewed.

10. Policy on hawking activities

2nd Quarter 2008

At the meeting on 6 April 2006, the Panel noted that the Administration would conduct an overall review of the policy on hawking activities, including the designation of hawker permitted areas. The Administration would revert to the Panel on the review results. The Administration also agreed to revert to the Panel findings of the review of the existing enforcement strategies against street hawking activities, particularly the guidelines for Hawker Control Officers to carry out enforcement in uniform/plain clothes.

When the Panel discussed hawker control policy and hawker raiding operations at the meeting on 11 July 2006, members urged the Administration to expedite the review of policy on hawker activities and the designation of hawker permitted areas.

At the case conference of the Complaints Division held in March 2006, deputations from hawkers in Wan Chai District suggested the Administration to review the policy of hawker licences so as to preserve on-street hawker stalls. Duty Roster Members agreed to refer the suggestions to the Panel for consideration and follow-up.

At the meeting between LegCo Members and WCDC members on 30 March 2006, WCDC members considered that the Administration should review the existing policies and legislation on hawker control, in particular to review the policy governing the transfer and succession of itinerant hawker licences.

11. Poultry slaughtering and processing plant

In the course of discussion on the progress of comprehensive plan of action to deal with the global problem of avian influenza at its meeting on 14 March 2006, the Panel discussed the development of poultry slaughtering plant.

At its meeting on 11 April 2006, the Administration advised that they had identified a suitable site in Sheung Shui and that their intention was to have the plant developed and operated by the private sector through open tender under a Build, Own, Operate and Transfer (BOOT) arrangement.

At its special meeting on 13 October 2006, the Administration advised that they would conduct an Environmental Impact Assessment study and initiate an invitation for Expression of Interest. It was expected that the plant would come into operation in 2009-2010 at the earliest. A formal tender exercise would be conducted and a Bill would be introduced into the LegCo in 2007 to provide a regulatory framework for the operation of the plant.

At the joint meeting with the Panel on Health Services on 12 December 2006, the Administration advised that the invitation for Expression of Interest exercise would be conducted around mid of December with the deadline for reply in mid January 2007 and that the tender exercise during August to November 2007. Members requested the Administration to revert to the Panel on the outcome of the exercise and the impact on the livelihood of the poultry workers and members of the affected trades in March 2007.

At its meeting on 13 March 2007, the Administration advised that it intended to consult the Panel on the legislative proposal for providing a regulatory framework for the operation of the plant in June to July 2007. The Administration was urged to consult the affected trade on the compensation proposals before the enactment of the legislation and invitation for open tender for developing the plant.

At the briefing by SFH on the Chief Executive's Policy Address 2007-2008 on 12 October 2007, members were informed that the recent FEHD's study result revealed that slaughtered chickens without chilling would be suitable for consumption for up to 24 hours if stored at or below 7°C. In view of this, the Administration would allow the plant to produce "freshly slaughtered chickens" for the market.

On 13 November 2007, the Administration consulted the Panel on the proposed legislative amendments related to the development of the plant. Members were informed of the Administration's plan to introduce a Bill to amend the PHMSO (Cap. 132) to empower SFH to make regulations for the control of slaughtering activities of live poultry and the operation of the plant in LegCo in early 2008. The Panel passed a motion expressing opposition to the introduction of any legislation related to the

development of the plant to LegCo for scrutiny before a consensus had been reached between the Administration and the whole live poultry trade, including farmers, wholesalers, retailers and transporters, on the surrender of licence and measures to safeguard properly the future livelihood of those people in the trade.

12. Feasibility of centralising the slaughtering operation of livestock

At the Panel's meeting on 8 May 2007, the Administration advised that, in assessing the feasibility of centralising the slaughtering operation of livestock at Sheung Shui Slaughterhouse (SSSH), the Administration would look into a number of factors, including the likely financial requirements arising from the closure of Tsuen Wan Slaughterhouse before its land lease expired in 2047, the construction costs of building an additional new lairage building and supporting building in SSSH and the strategic risk of using a single slaughterhouse to supply fresh meat in Hong Kong. The Administration would consult the Panel when a policy view was taken.

13. Animal welfare and cruelty to animals

February 2008

The Subcommittee on Public Health (Animals and Birds) (Amendment) Regulation 2001, Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 and Food Business (Amendment) Regulation 2001 recommended that the Administration should conduct an overall review on the levels of penalties in Cap. 132 and Cap. 139, to ensure that the penalties were appropriate having regard to those imposed on similar offences in other legislation.

The Administration has also undertaken to consider the views of the Society of Prevention of Cruelty to Animals regarding the need to tighten up control of import, sale and breeding of animals.

At the request of the Bills Committee on Prevention of Cruelty to Animals (Amendment) Bill 2006, the Administration has undertaken to conduct a comprehensive review of the Prevention of Cruelty to Animals Ordinance (Cap. 169) and the related laws and report the outcome to the Panel in one year's time. The Administration has also undertaken to cover in the review

the maximum daily fine for a continuing offence in the Prevention of Cruelty to Animals Regulations (Cap. 169A).

The Administration proposes to discuss the issue on animal welfare and cruelty to animals in February 2008.

14. Regulation of veterinary drugs in food

2nd Quarter 2008

The Administration proposes to discuss the regulation of veterinary drugs in food in second quarter of 2008.

15. Amendment to the Colouring Matter in Food Regulations

January 2008

The Administration proposes to discuss the amendment to the Colouring Matter in Food Regulations in January 2008.

16. Rationalization of the time limit for prosecutions against unauthorized building works in premises licensed by FEHD

January 2008

On 10 April 2007, the Administration briefed members on the improvement measures adopted by FEHD for monitoring cases with statutory time limit for prosecution, including cases involving unauthorized alteration to approved layout of licensed premises, and the follow-up actions to be taken in response to the Direct Investigation conducted by The Ombudsman.

The Administration advised members that, as recommended by The Ombudsman Report, the Administration would propose to amend the relevant legislation with a view to enabling FEHD staff to initiate prosecution within six months from the authorized alteration being discovered or coming to their notice.